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EXAMINER

SINGH, GURKANWALJIT

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3624

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,196	Applicant(s) NEUMANN, BERND	
	Examiner Gurkanwaljit Singh	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-66 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20051006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This non-final Office action is in response to applicant's communication received on October 19, 2007, wherein new **claims 45-66** are currently pending. Originally filed claims 1-44 have been cancelled.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Drawings

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because in Fig. 3, the flow chart has no labels on each and every element. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112 second paragraph

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 45, 48-51, 56, 58, and 61** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. **Claim 48** states that the availability of the service device is checked in and, if available, delivered from "the service provider's service device inventory." However, in claim 1 (claim 48's independent and preceding claim) there is no mention of a "service provider's service device inventory." Therefore, there is insufficient antecedent basis for this limitation in the claim.

7. **Claims 45, 49, 50 and 51** recite the term "the device service provider." However, it is unclear whether these "device service provider" is the same service provider in all the claims, or are the types of "device service providers" in each of the claims different device service providers or different types of device service providers. This is because in claim 45 the "device service provider" manages the inventory of the service devices of the service provider, in claim 49 the "device service provider" is an owner of the inventory of the service devices, in claim 50 the "device service provider" is a "further device service provider," and in claim 51 "the device service provider" is someone who the service provider buys the service devices from. Additionally, if the device service providers are different for each of the claims, then there is insufficient antecedent basis for this limitation in claim 49 and 51. Correction or clarification of the claims is required.

8. **Claim 50** recites that there is "the further service provider." Neither the claims nor the specification clearly and specifically define what or who a "further" service

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provider is. Additionally, here it is also unclear whether the service provider in this claim is the same or different than all or any one of the "service providers" mentioned in claims 45, 49, and 51 (see the §112 rejection above for claims 1, 49, 50, and 51). Furthermore, since there is no mention of a "further service provider" anywhere in the preceding claims, there is insufficient antecedent basis for this limitation in the claim.

9. **Claim 58** recites "comparing a current date with the recall date" and checking "whether the current date exceeds the recall date." Neither the claims nor the specification clearly state what the "current date" is or how the date is "current" in the context of the claimed invention. A "current date" is generally considered to be the present date. It is therefore unclear how the present date can "exceed" or, more importantly, not "exceed" the "recall" date or any date for that matter (the Applicant uses the "if-then" language in this claim). Consequently, it is further unclear what the Applicant means by the term "exceed." Correction or clarification is required.

10. **Claims 56 and 61** use the term "and/or" in the limitations. The phrase "and/or" renders the claim(s) indefinite because the claim(s) include(s) elements and also makes the same elements an optional, thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). To expedite prosecution, Examiner will interpret "and/or" and only "or."

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. **Claims 45-66** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

13. The methods recited in **claims 45-65** are rejected under 35 U.S.C. 101 as being directed towards non-statutory subject matter based on Supreme Court precedent, and recent Federal Circuit decisions, *In re Bilski U.S. Court of Appeals Federal Circuit 88 USPQ2d 1385*. The machine-or-transformation test is a two-branched inquiry; an applicant may show that a process claim satisfies § 101 either by showing that his claim is tied to a particular machine, or by showing that his claim transforms an article. See *Benson*, 409 U.S. at 70. Certain considerations are applicable to analysis under either branch. First, as illustrated by *Benson* and discussed below, the use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent-eligibility. See *Benson*, 409 U.S. at 71-72. Second, the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity. See *Flook*, 437 U.S. at 590.

The methods recited in claims 45-65 are not tied to a machine nor transform the underlying subject matter to a different state or thing. See *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); and *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972).

A method/process claim that fails to meet the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject

matter. Here claims 45-65 fail to meet the above requirements because they are not tied to another statutory class of invention.

Nominal recitations of structure in an otherwise ineligible method fail to make the method a statutory process. See *Benson*, 409 U.S. at 71-72. As *Comiskey* recognized, "the mere use of the machine to collect data necessary for application of the mental process may not make the claim patentable subject matter." *Comiskey*, 499 F.3d at 1380 (citing *In re Grams*, 888 F.2d 835, 839-40 (Fed. Cir.1989)). Incidental physical limitations, such as data gathering, field of use limitations, and post-solution activity are not enough to convert an abstract idea into a statutory process. In other words, nominal or token recitations of structure in a method claim do not convert an otherwise ineligible claim into an eligible one.

14. **Claim 66** are drawn to a computer program per se. Computer programs per se intrinsically require no tangible physical structure, thus do not constitute tangible physical articles or other forms of matter. Therefore, computer programs per se are not considered to be statutory subject matter. To be statutory, a computer program must be: (1) coupled with or combined with some statutory physical structure, and, (2) produce or effect some useful, concrete, and tangible result.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 45-50, 52-53, 55-58, 60-61, and 63-66** are rejected under 35 U.S.C. 103(a) as being unpatentable over Glovitz et al., (US 5,682,421) in view of Sisley et al., (US 5,467,268).

17. As per **claim 45, 65, and 66**, Glovitz discloses a method for supplying a number of service providers with technical service devices (Abstract, col. 1, lines 41-61 ["the parts inventory used to repair"], col. 2, lines 42-52 ["parts that were used to fix"]), wherein each of the service providers is assigned a plurality of service devices in each case and each of the service providers in each case provides services to a plurality of installation sites which are at different locations from storage sites for their service devices (Abstract, col. 1, lines 29-61 ["maintenance is performed on-site where the equipment is installed...the parts inventory used to repair"], col. 2, lines 42-52 ["parts that were used to fix"], col. 4, lines 15-38, col. 5, lines 59-65 ["technicians dispatched to remote customer sites"], col. 7, lines 12-64), the method comprising the following steps:

the respective plurality of service devices and technicians is made available by the service providers, wherein the managing is performed with the aid of a data processing system, wherein each of the service providers has access to the data

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processing system and is able to request a delivery of a service device to a desired installation site via the data processing system (col. 1, lines 41-61 [“the OMD Service Dispatch/Management System...parts inventory used...to manage...inventory”], col. 5, lines 33-67 [“service call management system”], col. 7, lines 4-12, col. 8, line 29 - col. 10, line 15, col. 11, lines 36-44); and

delivering the requested service device to the desired installation site by the device service provider (col. 5, lines 59-65 [“technicians dispatched to remote customer sites”]).

Although Glovitz discloses the managing of dispatching (delivering) technicians and parts the technician requires to conduct services at customer sites (see above and also see col. 5, lines 45-65), Glovitz does not explicitly state managing only the service devices by a device service provider.

Sisley discloses managing the service devices by a device service provider (Abstract, col. 3, line 44 – col. 4, line 35, col. 1, lines 26-40, col. 1, lines 59-64).

Therefore, it would be obvious to one of ordinary skill in the art to include in the system/method of Glovitz managing the service devices by a device service provider as taught by Sisley since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Additionally, it would also been obvious to one of ordinary skill in the art at the time of the invention to include in the method of Glovitz managing the service devices

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by a device service provider as taught by Sisley, in order to save valuable time and resources and/or provide optimal service to customers (Glovitz: col. 3. lines 1-15, and col. 3, line 60 – col. 4, line 15; Sisley: col. 3, lines 49-58) since doing so could be performed readily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

18. As per **claim 46**, Glovitz discloses the method above, wherein the device service provider has a plurality of self-owned additional service devices which the service providers can request via the data processing system for delivery to the desired installation site (col. 6, lines 1-11 [“owned”], col. 1, lines 41-61 [“the parts inventory used to repair”], col. 2, lines 42-52, col. 7, lines 12-64).

19. As per **claim 47**, Glovitz discloses the method above, wherein at least one of the service providers can request a service device of another of the service providers via the data processing system (col. 3, lines 9-15 [“from other technicians”], col. 11, lines 36-44).

20. As per **claim 48**, Glovitz discloses the method above, wherein following a request for a service technician by one of the service providers the following steps are executed by the data processing system: checking of the availability of the requested service technician in the service provider's service technician inventory managed by the device service provider, and if there is availability in the service technician inventory of the service provider, delivering the service technician from the service provider's service technician inventory (col. 8, line 29 - col. 11, line 44, col. 5, lines 33-67 [“service call

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management system”], col. 7, lines 4-12, (col. 5, lines 59-65 [“technicians dispatched to remote customer sites”])).

Although Glovitz discloses the managing of dispatching (delivering) technicians and parts the technician requires to conduct services at customer sites (see above and also see col. 5, lines 45-65), Glovitz does not explicitly state the checking of availability and delivering is for service devices by a device service provider.

Sisley discloses that the checking of availability and delivering is for service devices by a device service provider (Abstract, col. 3, line 44 – col. 4, line 35, col. 1, lines 26-40, col. 1, lines 59-64).

Therefore, it would be obvious to one of ordinary skill in the art to include in the system/method of Glovitz that the checking of availability and delivering is for service devices by a device service provider as taught by Sisley since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Additionally, it would also been obvious to one of ordinary skill in the art at the time of the invention to include in the method of Glovitz that the checking of availability and delivering is for service devices by a device service provider as taught by Sisley, in order to save valuable time and resources and/or provide optimal service to customers (Glovitz: col. 3, lines 1-15, and col. 3, line 60 – col. 4, line 15; Sisley: col. 3, lines 49-58) since doing so could be performed readily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

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21. As per **claim 49**, Glovitz discloses the method above, wherein the following further steps are executed by the data processing system: if there is no availability in the service technician inventory of the service provider, checking the availability of the service technician in a service device inventory owned by the device service provider, and if there is availability in the device service provider's own service technician inventory, delivery of the service technician from the device service provider's own service device inventory (col. 8, line 29 - col. 11, line 44, col. 5, lines 33-67 ["service call management system"], col. 7, lines 4-12, (col. 5, lines 59-65 ["technicians dispatched to remote customer sites"])).

Although Glovitz discloses the managing of dispatching (delivering) technicians and parts the technician requires to conduct services at customer sites (see above and also see col. 5, lines 45-65), Glovitz does not explicitly state the checking of availability and delivering is for service devices by a device service provider.

Sisley discloses that the checking of availability and delivering is for service devices by a device service provider (Abstract, col. 3, line 44 – col. 4, line 35, col. 1, lines 26-40, col. 1, lines 59-64).

Therefore, it would be obvious to one of ordinary skill in the art to include in the system/method of Glovitz that the checking of availability and delivering is for service devices by a device service provider as taught by Sisley since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Additionally, it would also been obvious to one of ordinary skill in the art at the time of the invention to include in the method of Glovitz that the checking of availability and delivering is for service devices by a device service provider as taught by Sisley, in order to save valuable time and resources and/or provide optimal service to customers (Glovitz: col. 3. lines 1-15, and col. 3, line 60 – col. 4, line15; Sisley: col. 3, lines 49-58) since doing so could be performed readily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

22. As per **claim 50**, Glovitz discloses the method above, and further discloses ordering parts (Fig. 6, col. 9, lines 45-48, Table 2), but Glovitz does not explicitly disclose wherein the following further steps are executed by the data processing system: if there is no availability in the device service provider's own service device inventory, checking the availability of the service device in the service device inventories of the further service providers, and if there is availability in the service device inventories of the further service providers, delivering the service device from the service device inventory of one of the further service providers.

However, Sisley discloses wherein the following further steps are executed by the data processing system: if there is no availability in the device service provider's own service device inventory, checking the availability of the service device in the service device inventories of the further service providers, and if there is availability in the service device inventories of the further service providers, delivering the service device from the service device inventory of one of the further service providers (Claims 10-11, col. 4, lines 13-24 [reassignment], col. 12, lines 30-63, col. 14, lines 48-65).

Therefore, it would be obvious to one of ordinary skill in the art to include in the system/method of Glovitz wherein the following further steps are executed by the data processing system: if there is no availability in the device service provider's own service device inventory, checking the availability of the service device in the service device inventories of the further service providers, and if there is availability in the service device inventories of the further service providers, delivering the service device from the service device inventory of one of the further service providers as taught by Sisley since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Additionally, it would also been obvious to one of ordinary skill in the art at the time of the invention to include in the method of Glovitz wherein the following further steps are executed by the data processing system: if there is no availability in the device service provider's own service device inventory, checking the availability of the service device in the service device inventories of the further service providers, and if there is availability in the service device inventories of the further service providers, delivering the service device from the service device inventory of one of the further service providers as taught by Sisley, in order to save valuable time and resources and/or provide optimal service to customers (Glovitz: col. 3. lines 1-15, and col. 3, line 60 – col. 4, line15; Sisley: col. 3, lines 49-58) since doing so could be performed readily

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by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

23. As per **claim 52**, Glovitz discloses the method above, wherein the technical service devices comprise tools, and/or measuring means, and/or testing means (col. 1, lines 29-61 [“parts inventory used to repair the equipment (tools, etc.)”], col. 23, lines 9-32 [“any parts required to repair and/or service the equipment”]).

24. As per **claim 53**, Glovitz discloses the method above, wherein the service providers access the data processing system via a data communications network (col. 3, line 60 – col. 4, line 53 [“dispatch system...communications system”]).

25. As per **claim 55**, Glovitz discloses the method above, wherein a device data record is stored in the data processing system for each of the service devices, said device data record containing data uniquely characterizing the respective service device in terms of device type, location and user (col. 1, lines 41-61, col. 2, lines 42-52, col. 1, lines 29-61, col. 2, lines 42-52, col. 4, lines 15-38, col. 5, lines 59-65, col. 7, lines 12-64, col. 3, lines 9-15, col. 11, lines 36-44).

26. As per **claim 56**, Glovitz discloses the method above, wherein the device data record further includes device owner data, and/or leasing costs data, and/or purchase price data (col. 1, lines 41-61, col. 2, lines 42-52, col. 1, lines 29-61, col. 2, lines 42-52, col. 4, lines 15-38, col. 5, lines 59-65, col. 7, lines 12-64, col. 3, lines 9-15, col. 11, lines 36-44).

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27. As per **claim 57 and 58**, Glovitz discloses the method above, wherein the technician data record further includes a date for a recall of the service technician; wherein the data processing system automatically compares a current date with the date for a recall of the service technician, and wherein if the current date exceeds the recall date, a recall of the service technician to the service provider is initiated (col. 8, line 29 - col. 11, line 44, col. 5, lines 33-67 [“service call management system”], col. 7, lines 4-12, (col. 5, lines 59-65 [“technicians dispatched to remote customer sites”])).

However, Glovitz does not explicitly state doing the above steps for service devices by a device service provider.

Sisley discloses managing service devices by device service providers (Abstract, col. 3, line 44 – col. 4, line 35, col. 1, lines 26-40, col. 1, lines 59-64).

Therefore, it would be obvious to one of ordinary skill in the art to include in the system/method of Glovitz service devices as taught by Sisley since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Additionally, it would also been obvious to one of ordinary skill in the art at the time of the invention to include in the method of Glovitz service devices as taught by Sisley, in order to save valuable time and resources and/or provide optimal service to customers (Glovitz: col. 3. lines 1-15, and col. 3, line 60 – col. 4, line15; Sisley: col. 3,

lines 49-58) since doing so could be performed readily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

28. As per **claim 60**, Glovitz discloses the method above, wherein the service providers have a defined set of service personnel who can request service devices, and wherein in the data processing system is stored for each of the service personnel a respective personnel data record containing data uniquely characterizing the service personnel in terms of name and associated service provider (col. 11, line 60 – col. 12, line 39 [“technician...authorized”], col. 13, lines 40-51, col. 3, line 60 – col. 4, line 52, col. 4, lines 2-37, col. 14, lines 20-45).

29. As per **claim 61**, Glovitz discloses the method above, wherein the personnel data record comprises criteria for the validity of a device request and/or a person with release authorization for the release of an invalid device request (col. 30, lines 29-61 [“invalid response”], col. 3, line 60 – col. 4, line 52, col. 4, lines 2-37, col. 14, lines 20-45).

30. As per **claim 63**, Glovitz discloses the method above, but does not explicitly disclose wherein the personnel-related admissibility criteria comprise a maximum permitted purchase price.

However, Sisley discloses wherein the personnel-related admissibility criteria comprise a maximum permitted purchase price (Fig. 6 [cost limit], col. 13, line 63 – col. 14, line 12, col. 26, lines 15-33 [“within acceptable cost limits”]).

Therefore, it would be obvious to one of ordinary skill in the art to include in the system/method of Glovitz wherein the personnel-related admissibility criteria comprise a maximum permitted purchase price as taught by Sisley since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

31. As per **claim 64**, Glovitz discloses the method above, wherein one or more of the service devices are assigned to service personnel in the data processing system, and wherein only the service devices assigned to said service personnel are offered by the data processing system in the form of a catalog for requests (col. 1, lines 41-61 [“request...based on type of equipment”], col. 1, line 41 – col. 2, line 24, col. 13, line 51 – col. 14, line 57, col. 8, line 29 - col. 11, line 44).

32. **Claim 51, 54** is rejected under 35 U.S.C. 103(a) as being unpatentable over Glovitz et al., (US 5,682,421) in view of Sisley et al., (US 5,467,268), further in view of Chess et al., (US 2004/0059810).

33. As per **claim 51**, Glovitz discloses the method above, wherein the following further steps are executed by the data processing system: if there is no availability in the service device inventory ordering and delivering the service device by the device service provider (see above rejection and also see col. 5, lines 59-65 [“technicians dispatched to remote customer sites”]). However, Clovitz does not disclose if there is

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no availability in the service device inventory of the further service providers, purchasing the service device by the device service provider. Sisley also does not disclose purchasing the service device by the device service provider.

Chess discloses purchasing service devices by the device service provider (¶¶ 0006-0007, 0039).

Therefore, it would be obvious to one of ordinary skill in the art to include in the system/method of Glovitz in view of Sisley purchasing service devices by the device service provider as taught by Chess since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

34. As per **claim 54**, Glovitz discloses the method above, wherein the data communications network is a wireless computer network (col. 4, lines 34-52). However, neither Glovitz nor Sisley explicitly state the Internet and/or an intranet (although it is clear that for communications to occur over long distances through a computer, an internet, or a VPN intranet is required).

However, it would have been obvious to one of ordinary skill in the art at the time of the invention that for a wireless communication to take place between a wireless device in a remote location and computers, one or more in the base location, the communication could be through the internet or the intranet, since most such communications occur through the internet or the intranet, and Official notice to that effect is taken.

Additionally, Chess discloses the internet and/or intranet as a communications means (¶¶ 0005, 0023).

Therefore, it would be obvious to one of ordinary skill in the art to include in the system/method of Glovitz in view of Sisley the internet and/or intranet as a communications means as taught by Chess since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

35. **Claim 59** is rejected under 35 U.S.C. 103(a) as being unpatentable over Glovitz et al., (US 5,682,421) in view of Sisley et al., (US 5,467,268), further in view of Rassman et al., (US 4,937,743).

36. As per **claim 59**, Glovitz discloses the method above, but neither Glovitz nor Sisley explicitly disclose wherein the date for a recall of the service device is a date for a calibration of the service device.

However, Rassman discloses date for a calibration of the service device (col. 4, lines 36-65).

Therefore, it would be obvious to one of ordinary skill in the art to include in the system/method of Glovitz in view of Sisley date for a calibration of the service device as taught by Rassman since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same

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function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

37. **Claim 62** is rejected under 35 U.S.C. 103(a) as being unpatentable over Glovitz et al., (US 5,682,421) in view of Sisley et al., (US 5,467,268), further in view of Smith et al., (US 6,879,962).

38. As per **claim 62**, Glovitz discloses the method above, but neither Glovitz nor Sisley explicitly disclose wherein, when a device request is made by service personnel the data processing system checks the validity of the device request regarding the personnel-related admissibility criteria, and wherein, if the device request is not valid, the data processing system requests a person with release authorization associated with the service personnel to initiate a release of the device request.

However, Smith discloses wherein, when a device request is made by service personnel the data processing system checks the validity of the device request regarding the personnel-related admissibility criteria, and wherein, if the device request is not valid, the data processing system requests a person with release authorization associated with the service personnel to initiate a release of the device request (col. 19, lines 29-44, col. 20, lines 54-64, col. 7, lines 39-66, col. 12, lines 1-21).

Therefore, it would be obvious to one of ordinary skill in the art to include in the system/method of Glovitz in view of Sisley wherein, when a device request is made by service personnel the data processing system checks the validity of the device request regarding the personnel-related admissibility criteria, and wherein, if the device request

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is not valid, the data processing system requests a person with release authorization associated with the service personnel to initiate a release of the device request as taught by Smith since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gurkanwaljit Singh whose telephone number is (571)270-5392. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571)272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/G. S./
Examiner, Art Unit 3624
December 5, 2009

/Romain Jeanty/
Primary Examiner, Art Unit 3624